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9 *Counsel for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 JILL STOKKE, an individual, CHRIS )  
13 PRUDHOME, MERCHANT FOR )  
14 CONGRESS, RODIMER FOR )  
15 CONGRESS, an individual, )

Case No.

Plaintiffs,

**COMPLAINT**

v.

SECRETARY OF STATE BARBARA )  
CEGAVSKE, in her official capacity, and )  
CLARK COUNTY REGISTRAR OF )  
VOTERS JOSEPH P. GLORIA, in his )  
official capacity, )

Defendants.

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18 Plaintiffs Jill Stokke, Chris Prudhome, Marchant for Congress, and Rodimer for Congress  
19 through their undersigned counsel, bring this action against: Defendant Secretary of State Barbara K.  
20 Cegavske and the Clark County Registrar of Voters Joe P. Gloria. All persons named as defendants  
21 are sued exclusively in their official capacities. Plaintiffs allege as follows:

22 **JURISDICTION AND VENUE**

23 1. This Court has subject-matter jurisdiction over this action under 28 U.S.C. § 1331,  
24 because this case arises under the Constitution and laws of the United States of America and 28  
25 U.S.C. § 1367 because the claims based on state law are so related to the federal questions as to form  
26 part of the same case or controversy. This Court also has jurisdiction to grant both declaratory and  
27 injunctive relief under 28 U.S.C. §§ 2201 and 2202.



1 11. Irregularities have plagued the election in Clark County, including lax procedures for  
2 authenticating mail ballots and over 3,000 instances of ineligible individuals casting ballots. Ballots  
3 have even been cast on behalf of deceased voters. Moreover, the public has often been prohibited  
4 from observing the processing of mail ballots, resulting in much of their work being done in the  
5 shadows without public accountability.

6 12. On November 3, 2020, Plaintiff Stokke attempted to vote in person in Clark County.  
7 She was not allowed to vote because, according to election officials, she had already cast a mail  
8 ballot. Plaintiff Stokke had not, in fact, cast any such mail ballot.

9 13. On information and belief, it was Clark County's use of Agilis signature-verification  
10 software that allowed Plaintiff Stokke's ballot, which she had not signed, to be accepted and counted  
11 in the Election.

12 14. Further, Defendant Gloria is using the Agilis signature-verification software in a  
13 manner which is contrary to the manufacturer's prescriptions. Specifically, the manufacture requires  
14 that signatures be scanned with a resolution of at least 200 D.P.I. Nevertheless, Mr. Gloria has  
15 consistently used signature files from the DMV which are all scanned at less than 200 D.P.I.,  
16 resulting in the Agilis machine being unable to perform its required function (i.e. verifying  
17 signatures).

18 15. Clark County is the only county in Nevada that uses the Agilis system and the only  
19 county in Nevada that does not verify signatures on absentee and mail in ballots in person.

20 16. Nev. Rev. Stat. § 293.8881, as enacted in Assembly Bill 4, Sec. 4, 32nd Special  
21 Session (Nev. 2020) provides, "For any affected election, the mail ballot central counting board may  
22 begin counting the received mail ballots 15 days before the day of the election. The board must  
23 complete the count of all mail ballots on or before the ninth day following the election. The counting  
24 procedure must be public."

25 17. Nev. Rev. Stat. § 293.363 provides that for in-person ballots, "[w]hen the polls are  
26 closed, the counting board shall prepare to count the ballots voted. The counting procedure must be  
27 public and continue without adjournment until completed."



1           25.     The Equal Protection Clause of the U.S. Constitution prohibits states from denying  
2 “to any person . . . the equal protection of the laws.” U.S. Const. amend. XIV, § 1. Plaintiffs’ equal  
3 protection rights are enforceable pursuant to 18 U.S.C. § 1983.

4           26.     Defendants have violated the Equal Protection Clause by attempting to match  
5 signatures in Clark County using the Agilis system and thereafter, not having the clerk or employee  
6 of the clerk’s office verify the signature.

7           27.     No other county in Nevada uses this system, and accordingly, voters in Clark County,  
8 including Plaintiff Stokke, are at an unequal risk of having their legal votes diluted by votes with  
9 mismatched signatures.

10          28.     There is no legitimate state interest that justifies this disparity in any way and such  
11 disparity violates Nevada voters’ right to have uniform, statewide standard of counting and  
12 recounting all votes accurately.

13                   **Count III: Violation of Nev. Rev. Stat. §§ 293.8881 and 293.363**

14          29.     Plaintiffs fully incorporate the allegations in paragraphs 1 through 21 above as if fully  
15 set forth herein.

16          30.     Nev. Rev. Stat. §§ 293.8881 and 293.363 require Defendants to allow public access to  
17 ballot-counting. Through the above-described conduct, Defendants deprived Plaintiff Prudhome any  
18 meaningful access to ballot-counting.

19                   **PRAYER FOR RELIEF**

20 WHEREFORE Plaintiffs respectfully pray for the following relief:

21           1.     An Injunction directing Defendants and their officers, agents, employees, attorneys, and any  
22 other person acting under their direction or control to cease the use of the Agilis system to count  
23 ballots in Clark County;

24           2.     Injunctive relief directing Defendants that the Agilis system is improper and that each mail  
25 ballot shall and must be checked by the clerk or an employee of the office of the clerk before it can  
26 be verified as a valid ballot for counting.

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1 3. For injunctive relief directing Defendants and their officers, agents, employees and any other  
2 person acting under their direction or control to allow meaningful access to the ballot counting  
3 process.

4 4. For declaratory judgment that Defendants have violated NRS 293.8874 passed by the Nevada  
5 Legislature in 2020.

6 5. A declaratory judgment that Defendants have violated the Elections and Equal Protection  
7 Clauses and Nev. Rev. Stat. §§ 293.8881 and 293.363;

8 6. Attorney’s fees and costs pursuant to 18 U.S.C. § 1988; and

9 7. All other relief that this honorable Court deems just and proper.

10 DATED: November 5, 2020

THE O’MARA LAW FIRM, P.C.

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/s/ David C. O’Mara

DAVID C. O’MARA, ESQ

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